

Message Text

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DRAFTED BY DOD/SAFCG:MR. BWALLEN,JR.:CLJ

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PM:CAPT. PASZTALANIEC

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TO AMEMBASSY OTTAWA

INFO AMCONSUL ST JOHNS

95 STRATWG GOOSE AB (JA)

AAFES DALLAS TEXAS (CG)

C O N F I D E N T I A L STATE 033056

E.O. 11652: GDS

TAGS: MARR, CA

SUBJECT: LABOR PROBLEMS AT GOOSE BAY

1. USAF CIVILIAN PERSONNEL OFFICE AT GOOSE BAY AIRPORT, LABRADOR, HAS RECEIVED LETTERS FROM THE PROVINCIAL GOVERNMENT OF NEWFOUNDLAND, DEPT. OF MANPOWER AND INDUSTRIAL RELATIONS, REQUESTING THAT IT BE FURNISHED (1) PAYROLL RECORDS OF ALL CANADIAN CITIZENS EMPLOYED AT GOOSE AIR BASE EXCHANGE DURING THE YEARS 1973, 1974 AND 1975 AND (2) PAYROLL RECORDS, APPARENTLY DATING FROM JUNE 1, 1970, OF CANADIAN CITIZEN EMPLOYEES OF THE AIR FORCE.

2. THIS REQUEST WAS PROMPTED BY THE PROVINCIAL GOVERNMENT'S BELIEF THAT THE CANADIAN EMPLOYEES OF THE EXCHANGE WERE NEITHER PAID OVERTIME NOR GIVEN VACATION BENEFITS IN ACCORDANCE WITH PROVINCIAL LAW. SIMILARLY, THE PROVIN-

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CIAL GOVERNMENT BELIEVES THAT CANADIAN CITIZEN EMPLOYEES OF

USAF WHO WORKED LESS THAN 34 HOURS PER WEEK DID NOT RECEIVE THE VACATION BENEFITS TO WHICH THEY WERE ENTITLED UNDER PROVINCIAL LAW.

3. DOD RECOGNIZES ITS OBLIGATION UNDER NATO SOFA (4 U.S.T. 1972, ARTICLE IX, PARAGRAPH 4) TO ADHERE TO LOCAL STANDARDS OF COMPENSATION WHEN EMPLOYING CANADIAN CIVILIANS. NEVERTHELESS, WE ARE CONCERNED AT THE SUGGESTION OF RETROACTIVE APPLICATION OF THE EMPLOYMENT STANDARDS AND THE IMPLICATION THAT THE MATTER CAN BE HANDLED BY ENFORCEMENT PROCEDURES CONDUCTED BY LOCAL OFFICIALS RATHER THAN WITH FEDERAL OFFICIALS AT THE DIPLOMATIC OR MILITARY LEVEL IN A MANNER INCONSISTENT WITH THE PRIVILEGES AND IMMUNITIES OF SOVEREIGNTY PROVIDED UNDER GENERALLY ACCEPTED PRINCIPLES OF INTERNATIONAL LAW.

4. REQUEST EMBASSY BRING THIS MATTER TO ATTENTION OF GOC AND INFORM CANADIAN OFFICIALS THAT THE UNITED STATES WISHES TO COMPLY WITH LOCAL LABOR STANDARDS AND IS PREPARED TO REVIEW THE SITUATION AT GOOSE BAY WITH THE APPROPRIATE CANADIAN OFFICIALS IN ORDER TO INSURE FUTURE COMPLIANCE WITH LOCAL STANDARDS. WE WOULD HOPE, HOWEVER, THAT DISCUSSIONS WOULD FOCUS ON COMPENSATION PRINCIPLES OF CONCERN TO CANADIAN AUTHORITIES AND NOT ON INDIVIDUAL EMPLOYMENT RECORDS. INGERSOLL

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